

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PATRICK BRADY, et al.,

Plaintiffs,

v.

AIR LINE PILOTS
ASSOCIATION,
INTERNATIONAL,

Defendant.

Civil Action No. 02-2917 (JEI)

DECLARATION OF DANIEL J. TOAL

Daniel J. Toal declares:

1. I am a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel for defendant Air Line Pilots Association, International (“ALPA”) in the above-captioned case. I respectfully submit this declaration in support of ALPA’s Reply Memorandum of Law in Further Support of its Motions to Exclude the Testimony of Plaintiffs’ Experts, and for Summary Judgment.

2. Attached hereto as Exhibit 83 is a true and correct copy of excerpts from the arbitration award, *In the Matter of the Seniority Integration of The Pilots of US Airways, Inc. and the Pilots of American West Airlines, Inc.*, dated May 1, 2007.

3. Attached hereto as Exhibit 84 is a true and correct copy of excerpts from the arbitration award, *In the Matter of the Seniority Integration Arbitration Between the Pilots of Northwest Airlines, Inc. and the Pilots of Delta Air Lines, Inc.*, dated December 8, 2008.

4. Attached hereto as Exhibit 85 is a true and correct copy of excerpts from the arbitration award, *In the Matter of An Arbitration Between Canadian Air Line Pilots Association, and Master Executive Councils for Air Canada, Air Nova, Air Alliance, Air Ontario, Air B.C., NWT Air*, dated March 28, 1995.

5. Attached hereto as Exhibit 86 is a true and correct copy of excerpts from a set of notes taken by John S. Hefley.

6. Attached hereto as Exhibit 87 is a true and correct copy of S. 1479, the Airline Workers Fairness Act, dated October 1, 2001.

7. Attached hereto as Exhibit 88 is a true and correct copy of excerpts from the October 12, 2012 deposition of Edwin White, Jr.

8. Attached hereto as Exhibit 89 is a true and correct copy of excerpts from the November 29, 2012 deposition of John Darrah.

9. Attached hereto as Exhibit 90 is a true and correct copy of excerpts from Richard E. Walton and Robert B. McKersie, *A Behavioral Theory of Labor Negotiations* (1965).

10. Attached hereto as Exhibit 91 is a true and correct copy of excerpts of the expert report of Kevin Murphy on behalf of ALPA, dated June 7, 2013.

11. Attached hereto as Exhibit 92 is a true and correct copy of Appendix 3 to the expert report of Rikk Salamat, dated October 12, 2012.

12. Attached hereto as Exhibit 93 is a true and correct copy of excerpts from the May 2, 2013 deposition of Michael Day.

13. Attached hereto as Exhibit 94 is a true and correct copy of excerpts from a document, ALPA Rightful Place Proposal to APA, dated June 14, 2001.

14. Attached hereto as Exhibit 95 is a true and correct copy of excerpts from the arbitration award, *In the Matter of an Arbitration Between Air Canada Pilots' Association and Airline Pilots Association and Air Canada*, dated June 25, 2003.

15. Attached hereto as Exhibit 96 is a true and correct copy of excerpts from an article, *Male-Female Wage Differentials in Urban Labor Markets*.

16. Attached hereto as Exhibit 97 is a true and correct copy of excerpts from an article, *Lawyers as Agents of the Devil in a Prisoner's Dilemma Game*.

17. Attached hereto as Exhibit 98 is a true and correct copy of excerpts from an article, *Nonunion Wage Rates and the Threat of Unionization*.

18. Attached hereto as Exhibit 99 is a true and correct copy of excerpts from an article, *Is There Monopsony in the Labor Market? Evidence from a Natural Experiment*.

19. Attached hereto as Exhibit 100 is a true and correct copy of excerpts from the April 11, 2013 deposition of James S. Feltman.

20. Attached hereto as Exhibit 101 is a true and correct copy of the Jury Charge, dated July 13, 2011 and filed at Docket No. 411.

21. Attached hereto as Exhibit 102 is a true and correct copy of excerpts of the September 18, 2012 teleconference transcript.

22. Attached hereto as Exhibit 103 is a true and correct copy of the January 4, 2013 hearing transcript.

23. Attached hereto as Exhibit 104 is a true and correct copy of excerpts from the January 25, 2013 deposition of Scott Schwartz.

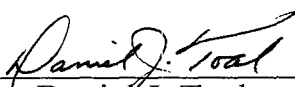
24. Attached hereto as Exhibit 105 is a true and correct copy of Plaintiffs' Amended Response to ALPA's First Set of Damage Interrogatories, dated October 2, 2013.

25. Attached hereto as Exhibit 106 is a true and correct copy of excerpts from the December 18, 2006 deposition of James Baehler.

26. Attached hereto as Exhibit 107 is a true and correct copy of excerpts from the April 29, 2011 deposition of David Singer.

27. I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: New York, New York
October 18, 2013



Daniel J. Toal